

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

In re  COINTERRA, INC.,  Debtor.	§ § § § §	CASE NO. 15-10109-HCM  Chapter 7
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**SUMMARY OF FIRST AND FINAL APPLICATION FOR COMPENSATION  
OF KELL C. MERCER & KELL C. MERCER, P.C., LITIGATION COUNSEL  
FOR THE CHAPTER 7 TRUSTEE**

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**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

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**I. CLIENT:** Randolph N. Osherow, Chapter 7 Trustee

**II. APPLICANT:** Kell C. Mercer, P.C.  
1602 E. Cesar Chavez  
Austin, Texas 78702  
(512)627-3512 / (512)597-0767 (Fax)  
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**III. TOTAL REQUESTED:** \$7,840.00 in fees for legal services rendered, and \$3,478.07 in expenses, for the period February 2, 2016, through April 17, 2017, plus an additional \$115.00 in expenses for copying and postage charges relating to the Application.

**IV. BREAKOUT OF FEES & EXPENSES:**

	Hrs*	\$
Litigation & Resolution of Avoidance Actions	20.1	\$8,040.00
["No Charge" Reductions]		-\$200.00
Totals	20.1	\$7,840.00

\* Maximum fee increments of 0.1 hour

**Total Expenses of \$3,478.07** includes filing fees (\$2,100.00), costs to image a hard drive obtained from the Debtor to preserve it for any necessary use in litigation (\$1,263.88), and copying and postage charges (\$114.19). In addition, the Applicant seeks reimbursement for \$115.00 in copying and postage charges for service of the Application and this Summary.

**V. OTHER CO-EQUAL ADMINISTRATIVE CLAIMANTS IN THIS CASE:**

In addition to the applicant, the Trustee has retained the following professionals: (1) Accountant, Jennifer Rakowitz of WYSI WYG Consulting (“Rakowitz”); and (2) Attorney for the Estate, Steve Turner and Barrett Daffin Frappier Turner & Engel, LLP (“Turner”). Turner has filed a final application for allowance and payment of \$27,565.00 in fees and \$457.47 in expenses. As of the date hereof, the estate is holding \$82,808.36 in distributable funds.

**VI. RESULTS OBTAINED:**

During the Applicable Period, the Applicant commenced nine (9) adversary proceedings for avoidance and recovery of transfers under 11 U.S.C. §§ 547, 548 and 550. In addition, Mercer negotiated resolution of a tenth potential claim without the need for filing an adversary proceeding. Between July 13, 2016 and March 15, 2017, Mercer negotiated the resolution of five of these ten matters resulting in receipt by the bankruptcy estate of payments in the total aggregate amount of \$90,844.57. In connection with the resolutions reached, the Applicant prepared and obtained approval of four 9019 Motions, and collected the full amount of one adversary complaint, resulting in the bankruptcy estate receiving payments in the total aggregate amount of \$90,844.57. See Docket Nos. 118-120, 127, 123-125, and 128. All settlements were disclosed and approved by the Bankruptcy Court.

**VII. PRIOR APPLICATIONS:**

This is Applicant’s first and final request for approval of compensation in this case.

Respectfully submitted,

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By: /s/ Kell C. Mercer.  
Kell C. Mercer  
State Bar No. 24007668

COUNSEL FOR RANDOLPH N. OSHEROW,  
CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE**

By my signature above, I, Kell C. Mercer, hereby certify that on July 3, 2017, a true and correct copy of the foregoing Motion was served via the court's ECF/ECM system to those authorized to receive notices by such system, and on the persons named on the attached list, by first class United States mail.

/s/ Kell C. Mercer  
Kell C. Mercer